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KONRAD RAYNES & VICTOR, LLP. ATTN: IBM37 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212			BETIT, JACOB F	
			ART UNIT	PAPER NUMBER
			2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,165

Applicant(s)

BURTON ET AL.

Examiner

Jacob F. Betit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/1/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Remarks

1. In response to communications filed on 1-September-2004, claims 1, 3, 6-8, 10, 13-14, 16, 19-21, 23, 26-27, 29, 32-34, 36, and 39 are amended, claims 40-45 are added per applicant's request. Claims 1-45 are presently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 10-14, 23-27, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (U.S. patent No. 6,324,581 B1) in view of Enoki et al. (U.S. patent No. 5,873,085).

As to claim 1, Xu et al. teaches a method for controlling and providing access to a file to a remote computer over a network (see column 3, lines 61-56), comprising:

maintaining metadata about files maintained at remote storage locations (see column 9, lines 59-63);

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receiving a request, at a server from the remote computer over the network, wherein the request includes a filename corresponding to a requested file (see column 10, lines 12-14, where it is obvious that a request would include the filename);

determining from the metadata, by the server, one remote storage location address associated with the filename where the requested file is located (see column 10, lines 14-17);

updating, by the server, the metadata for the requested file (see column 10, lines 14-25);
and

sending, by the server, the one remote storage location address to the remote computer (see column 10, lines 14-19).

Xu et al. does not teach wherein the one remote storage location address where the requested file is located is more proximate to the remote computer than to the server.

Enoki et al. teaches a file management system in which one server has a management table that gives the location of other servers that contain files (see abstract), in which he teaches wherein the one remote storage location address where the requested file is located is more proximate to the remote computer than to the server (see figure 1, reference number 109c, and see column 13, line 59 through column 14, line 32).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the one remote storage location address where the requested file is located is more proximate to the remote computer than to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Enoki et al. because wherein

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the one remote storage location address where the requested file is located is more proximate to the remote computer than to the server would reduce the traffic on a WAN and minimize the delay time for a data access request.

As to claim 10, Xu et al. teaches a method for accessing a file in a source code management system (see column 3, lines 61-65), comprising:

sending, from a client a first request for the file to a server (see column 10, lines 12-14);

receiving, at the client, a storage location address containing the file in response to the first request (see column 10, lines 14-19);

sending, from the client, a second request to the storage location address (see column 10, lines 17-19); and

receiving, at the client, an access to the file from the storage location address (see column 10, lines 19-22).

Xu et al. does not teach wherein the storage location address containing the file is located more proximate to the client than to the server.

Enoki et al. teaches wherein the storage location address containing the file is located more proximate to the client than to the server (see figure 1, reference number 109c, and see column 13, line 59 through column 14, line 32).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the storage location address containing the file is located more proximate to the client than to the server.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Enoki et al. because wherein the storage location address containing the file is located more proximate to the client than to the server would reduce the traffic on a WAN and minimize the delay time for a data access request.

As to claim 14, Xu et al. teaches a system for controlling and providing access to a file to remote computers over a network (see column 4, lines 49-52), wherein remote storage locations are accessible over the network, comprising:

metadata including information about files at the remote storage locations (see column 9, lines 59-63);

means for receiving a request from one remote computer over the network, wherein the request includes a filename corresponding to a requested file (see column 10, lines 12-14);

means for determining from the metadata one storage location address of one remote storage location associated with the filename where the requested file is located (see column 10, lines 14-17);

means for updating the metadata for the requested file (see column 10, lines 14-25); and

means for sending the remote storage location address to the remote computer (see column 10, lines 14-19).

Xu et al. does not teach wherein the remote storage location address where the requested file is located is more proximate to the remote computer than to the system.

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Enoki et al. teaches wherein the remote storage location address where the requested file is located is more proximate to the remote computer than to the system (see figure 1, reference number 109c, and see column 13, line 59 through column 14, line 32).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the remote storage location address where the requested file is located is more proximate to the remote computer than to the system.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Enoki et al. because wherein the remote storage location address where the requested file is located is more proximate to the remote computer than to the system would reduce the traffic on a WAN and minimize the delay time for a data access request.

As to claim 23, Xu et al. teaches a system for accessing a file in a source code management system, wherein the system is in communication with a server (see column 4, lines 56-60), the system comprising:

means for sending a first request for the file to the server (see column 10, lines 12-14);

means for receiving a storage location address containing the file in response to the first request (see column 10, lines 14-19);

means for sending a second request to the storage location address (see column 10, lines 17-19); and

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means for receiving an access to the file from the storage location address (see column 10, lines 19-22).

Xu et al. does not teach wherein the storage location address containing the file is located more proximate to the system than to the server.

Enoki et al. teaches wherein the storage location address containing the file is located more proximate to the system than to the server (see figure 1, reference number 109c, and see column 13, line 59 through column 14, line 32).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the storage location address containing the file is located more proximate to the system than to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Enoki et al. because wherein the storage location address containing the file is located more proximate to the system than to the server would reduce the traffic on a WAN and minimize the delay time for a data access request.

As to claim 27, Xu et al. teaches an article of manufacture including code for controlling and providing access to a file at storage locations on a network to a remote computer coupled to a server over the network (see column 5, lines 33-36), wherein the code is capable of causing operations comprising:

maintaining metadata about files maintained at remote storage locations (see column 9, lines 59-63);

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receiving a request, at the server, from the remote computer over the network, wherein the request includes a filename corresponding to a requested file (see column 10, lines 12-14);

determining from the metadata, by the server, one remote storage location address associated with the filename where the requested file is located (see column 10, lines 14-17);

updating, by the server, the metadata for the requested file (see column 10, lines 14-25);
and

sending, by the server, the storage location address to the remote computer (see column 10, lines 14-19).

Xu et al. does not teach wherein the one remote storage location address where the requested file is located is more proximate to the remote computer than to the server.

Enoki et al. teaches wherein the one remote storage location address where the requested file is located is more proximate to the remote computer than to the server (see figure 1, reference number 109c, and see column 13, line 59 through column 14, line 32).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the one remote storage location address where the requested file is located is more proximate to the remote computer than to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Enoki et al. because wherein the one remote storage location address where the requested file is located is more proximate to the remote computer than to the server would reduce the traffic on a WAN and minimize the delay time for a data access request.

As to claim 36, Xu et al. teaches a article of manufacture including code for accessing a file in a source code management system from a client to a server, (see column 5, lines 39-41), wherein the code is capable of causing operations comprising:

sending, from the client, a first request for the file to the server (see column 10, lines 12-14);

receiving, at the client, a storage location address containing the file in response to the first request (see column 10, lines 14-19);

sending, from the server, a second request to the storage location address (see column 10, lines 17-19); and

receiving, at the client, an access to the file from the storage location address (see column 10, lines 19-22).

Xu et al. does not teach wherein the storage location address containing the file is located more proximate to the client that to the server.

Enoki et al. teaches wherein the storage location address containing the file is located more proximate to the client that to the server (see figure 1, reference number 109c, and see column 13, line 59 through column 14, line 32).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. to include wherein the storage location address containing the file is located more proximate to the client that to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. by the teachings of Enoki et al. because wherein

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the storage location address containing the file is located more proximate to the client than to the server would reduce the traffic on a WAN and minimize the delay time for a data access request.

As to claims 11, 24, and 37, Xu et al. teaches wherein the first request is for checking-out the file, and further comprising: downloading the file from the storage location address (see column 10, 17-19).

As to claims 12, 25, and 38, Xu et al. teaches wherein the first request is for checking-in the file, and further comprising: sending a new version of the file to the storage location address (see column 10, lines 19-25).

As to claims 13, 26, and 39, Xu et al. teaches further comprising:
receiving a first response code from the server in response to the first request (see column 10, lines 14-19); and
receiving a second response code from the storage location in response to the second request (see column 10, lines 17-19).

4. Claims 2-5, 9, 15-18, 22, 28-31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (U.S. patent No. 6,324,581 B1) in view of Enoki et al. (U.S. patent No. 5,873,085) as applied to claims 1, 10-14, 23-27, and 36-39 above, and in further view of Whidby et al. (U.S. patent publication No. 2003/0110264 A1).

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As to claims 2, 15, and 28, Xu et al. as modified, does not teach wherein the remote computer is a source code management system client.

Whidby et al. a remote network source that maintains source code and symbol files, and automatically downloads the files when they are needed (see abstract), in which he teaches wherein the remote computer is a source code management system client (see page 1, paragraphs 0007-0009).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, to include wherein the remote computer is a source code management system client.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, by the teachings of Whidby et al. because wherein the remote computer is a source code management system client would eliminate the need for the developer to perform version management on the files (see Whidby et al., page 1, paragraph 0007).

As to claims 3, 16, and 29, Xu et al. as modified, teaches wherein the storage location address identifies a storage device that is at a geographical location closer to the remote computer than a location of the metadata (see Enoki et al. figure 1, reference number 109c, and see column 13, line 59 through column 14, line 32), and wherein based on the received request the server that received the request from the remote computer directly communicates the one storage location address for retrieval of the requested file to the network for transmission to the remote computer (see Xu et al., column 10, lines 14-19).

As to claims 4, 17, and 30, Xu et al. as modified, teaches wherein the request is for checking-out the requested file corresponding to the filename, and further comprising: locking the requested file; returning a response code to the remote computer indicating that file check-out is successful; and updating the metadata indicating that the requested file is checked-out and locked (see Xu et al., column 9, lines 59 through column 10, line 25).

As to claims 5, 18, and 31, Xu et al. as modified, teaches wherein the request is for checking-in the requested file corresponding to the filename, and further comprising: updating the metadata indicating the requested file is unlocked; and returning a response code indicating that the file check-in is successful (see Xu et al., column 10, lines 17-25).

As to claims 9, 22, and 35, Xu et al. as modified, teaches wherein the request is one of check-in, check-out, extract, lock, unlock, delete (see column 10, lines 12-17).

Xu et al. as modified, does not teach wherein the remote computer is a source code management system client.

Whidby et al. teaches wherein the remote computer is a source code management system client (see page 1, paragraphs 0007-0009).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, to include wherein the remote computer is a source code management system client.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, by the teachings of Whidby et al. because wherein the remote computer is a source code management system client would eliminate the need for the developer to perform version management on the files (see page 1, paragraph 0007).

5. Claims 6-8, 19-21, and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Xu et al. (U.S. patent No. 6,324,581 B1) in view of Enoki et al. (U.S. patent No. 5,873,085) as applied to claims 1, 10-14, 23-27, and 36-39 above, and in further view of Porcar ("File Migration in Distributed Computer Systems", California Univ., Berkeley. Lawrence, Berkeley Lab, copyright © 1982).

As to claim 6, 19, and 32, Xu et al. as modified, does not teach further comprising: processing a pattern of requests for the requested file received from remote computers at different geographical locations; determining a plurality of remote storage locations based on the pattern of requests for the requested file; storing the requested file corresponding to the requested filename at the determined plurality of remote storage locations; and saving a correspondence between the requested file and storage location addresses corresponding to the determined plurality of remote storage locations in the metadata.

Porcar teaches policies of maintaining multiple copies of a file in a file management system (see summary), in which he teaches further comprising: processing a pattern of requests for the requested file received from remote computers at different geographical locations;

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determining a plurality of remote storage locations based on the pattern of requests for the requested file (see section 5.2 The Migration Policies); storing the requested file corresponding to the requested filename at the determined plurality of remote storage locations; and saving a correspondence between the requested file and storage location addresses corresponding to the determined plurality of remote storage locations in the metadata (see section 5.3 Experimental Results).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, to include further comprising: processing a pattern of requests for the requested file received from remote computers at different geographical locations; determining a plurality of remote storage locations based on the pattern of requests for the requested file; and storing the requested file corresponding to the requested filename at the determined plurality of remote storage locations; and saving a correspondence between the requested file and storage location addresses corresponding to the determined plurality of remote storage locations in the metadata.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, by the teachings of Porcar because further comprising: processing a pattern of requests for the requested file received from remote computers at different geographical locations; determining a plurality of remote storage locations based on the pattern of requests for the requested file; and storing the requested file corresponding to the requested filename at the determined plurality of remote storage locations; and saving a correspondence between the requested file and storage location addresses corresponding to the determined plurality of remote storage locations in the metadata would

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reduce the traffic an order of magnitude as compared to single-copy policies (see Porcar, 5.4. Conclusions).

As to claim 7, 20, and 33, Xu et al. as modified, teaches wherein the determined remote storage location is at a geographical location that is more proximate to the remote computer having more requests for the requested file than other remote computers (see Porcar, section 5.1.1.6. Distributing the Updates).

As to claim 8, 21, and 34, Xu et al. as modified, teaches wherein one determined remote storage location is selected from the plurality of remote storage locations to minimize a distance the requested file is transmitted between each remote computer and the one determined remote storage location based on the number of requests for the file from each remote computer (see Porcar, section 5.2. Migration Policies).

6. Claims 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (U.S. patent No. 6,324,581 B1) in view of Enoki et al. (U.S. patent No. 5,873,085) as applied to claims 1, 10-14, 23-27, and 36-39 above, and in further view of Whidby et al. (U.S. patent publication No. 2003/0110264 A1) and Porcar ("File Migration in Distributed Computer Systems", California Univ., Berkeley. Lawrence, Berkeley Lab, copyright © 1982).

As to claims 40, 42, and 44, Xu et al. as modified, teaches wherein metadata is kept more proximate to the server than to the client (see Xu et al., figure 18), wherein the server

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communicates the one storage location address to the network for transmission to the client (see column 10, lines 14-25).

Xu et al. as modified, does not teach wherein the client is a source code management system client.

Whidby et al. teaches wherein the client is a source code management system client (see page 1, paragraphs 0007-0009).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, to include wherein the client is a source code management system client.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, by the teachings of Whidby et al. because wherein the client is a source code management system client would eliminate the need for the developer to perform version management on the files (see Whidby et al., page 1, paragraph 0007).

Xu et al. as modified, still does not teach wherein the one storage location is determined by the server based on a history of request patters from a plurality of clients.

Porcar teaches wherein the one storage location is determined by the server based on a history of request patters from a plurality of clients (see page 113, lines 14-16).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, to include wherein the one storage location is determined by the server based on a history of request patters from a plurality of clients.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, by the teachings of Porcar because wherein the one storage location is determined by the server based on a history of request patterns from a plurality of clients would be an easy way of optimizing file handling mechanisms (see Porcar, page 84, lines 17-20).

As to claims 41, 43, and 45 Xu et al. teaches, wherein the metadata corresponding to the file is kept more proximate to the server than to the source code management system client, wherein the server communicates the storage location address to the network for transmission to the source code management system client.

Xu et al. as modified, does not teach wherein the client is a source code management system client.

Whidby et al. teaches wherein the client is a source code management system client (see page 1, paragraphs 0007-0009).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, to include wherein the client is a source code management system client.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, by the teachings of Whidby et al. because wherein the client is a source code management system client would eliminate the need for the developer to perform version management on the files (see Whidby et al., page 1, paragraph 0007).

Xu et al. as modified, still does not teach wherein the storage location is determined by the server based on a history of request patterns from a plurality of source code management system clients.

Porcar teaches wherein the storage location is determined by the server based on a history of request patterns from a plurality of source code management system clients (see page 113, lines 14-16).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, to include wherein the storage location is determined by the server based on a history of request patterns from a plurality of source code management system clients.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Xu et al. as modified, by the teachings of Porcar because wherein the storage location is determined by the server based on a history of request patterns from a plurality of source code management system clients would be an easy way of optimizing file handling mechanisms (see Porcar, page 84, lines 17-20).

Response to Arguments

7. Applicant's arguments filed 1-September-2004 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Xu et al. does not teach "where the requested file is located being more proximate to the remote computer than to the server", the

arguments have been fully considered but are not deemed persuasive because the Xu et al. reference has now been modified by Enoki et al. to disclose this claim limitation.

In response to the applicant's arguments that Xu et al. does not disclose the claim requirement that "the request from the remote computer to the server includes a filename corresponding to the requested file"; the arguments have been fully considered but are not deemed persuasive. It is obvious to one of ordinary skill in the art that if a client is requesting metadata about a file, the request would include the file name to identify what metadata the client is currently requesting.

In response to the applicant's arguments that "the claims require that the server that received the request from the remote computer directly communicates the one storage location address for retrieval of the requested file to the network for transmission to the remote computer based on the received request" and that "neither the cited Enoki nor the cited Xu teach or suggest" this claim requirement, the arguments have been fully considered but are not deemed persuasive. Xu et al. teaches this limitation. In figure 4 and in column 10, lines 50-57, the second client is connected to the first data mover and all requests for metadata and file access for files located on the second file system must go to the first data mover and responses with the requested metadata come from the first data mover. The Enoki et al. reference shows the second file system being closer to the client than then to the server.

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8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the Xu et al. reference and the Enoki et al. reference comes from knowledge generally available to one of ordinary skill in the art as seen in the studies performed in the Porcar reference which shows how moving files to a location closer to the clients that use them the most improves network (WAN) traffic and shortens delay time. The motivation to further combine the Whidby et al. reference with Xu et al. as previously modified is found in the Whidby et al. reference itself.

In response to the applicant's arguments that "using the cited Enoki to modify the source code management system of the cited Whidby ... to arrive at the claim requirements of claims 3,16,29 would render the system of the cited Whidby inoperable because the source code would be distributed across multiple servers in the cited Whidby and version control would not be possible according to the methods discussed in the cited Whidby", the arguments have been fully considered but are not deemed persuasive because the cited references are combined with Xu et al. to include obvious modifications to Xu et al. which are not disclosed. Modifying the Xu et al. reference with certain teachings of other disclosers does not modify Xu et al. to include every embodiment of the cited references. It would be obvious to one of ordinary skill in the art to

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modify Xu et al. to include “wherein the remote computer is a source code management system client” in order to eliminate the need to perform version management on the files. It also would be obvious to one of ordinary skill in the art use the remote computer as client for many other types of files besides source code. It further would be obvious to one of ordinary skill in the art to locate the remote storage location closer to the remote computer than to the server if the remote computer had more access requests for the file than the server does to reduce network traffic as is discussed in Porcar.

In response to the applicant’s arguments directed towards claims 6, 19, and 32, the arguments are moot in view of the newly cited section of Porcar.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob F. Betit whose telephone number is (571) 272-4075. The examiner can normally be reached on Monday through Friday 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jfb
14 Apr 2005



SAM RIMEIL
PRIMARY EXAMINER